

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
MEDFORD DIVISION

JERRY SMITH

Plaintiff,

vs.

CITY OF MEDFORD, OREGON

Defendant.

Case No. 1:17-cv-00931-CL  
**OPINION AND ORDER**

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AIKEN, District Judge:

United States Magistrate Judge Mark Clarke issued his Findings and Recommendation (“F&R”) (doc. 77) in this case on October 5, 2020. In the F&R, Judge Clarke recommended denying in part and granting in part defendant’s Motion for Summary Judgment (doc. 51). The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

Plaintiff filed timely objections. Doc. 81. Accordingly, the Court must “make a de novo determination of those portions of the report or specified proposed findings

or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3); *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

Before turning to plaintiff’s objections, the Court will address the parties’ Motions to Supplement the Record (docs. 89, 92), which are also before the Court. Having reviewed the briefing on these matters, the Court GRANTS the motions. The Court has considered the supplemental evidence and concludes that they do not provide a basis to modify or reject the F&R.

The Court has also carefully considered plaintiff’s objections and the pertinent portions of the record de novo and concludes that they do not provide any basis to modify or reject the F&R. Finally, the Court has reviewed the remainder of the F&R and record and find no errors in Judge Clarke’s reasoning. Accordingly, the Court ADOPTS the F&R (doc. 77).

IT IS SO ORDERED.

Dated this 30th day of July 2021.

\_\_\_\_\_/s/Ann Aiken\_\_\_\_\_  
Ann Aiken  
United States District Judge